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Bonds to Indian tribes. Letter from the Secretary of the Treasury, in answer to a resolution of the House of January 9, 1871, in relation to bonds of the United States issued to Indian tribes and other parties; also the amount of the principal of said bonds.

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BONDS TO INDIAN TRIBES.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

IN ANSWER TO

A resolution of the House of January 9, 1871, in relation to bonds of the United States issued to Indian tribes and other parties; also the amount of the principal of said bonds.

JANUARY 18, 1871.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,
Office of the Secretary, January 17, 1871.

SIR: I have the honor to acknowledge the receipt of a resolution of the House of Representatives of the 9th instant, in these words:

Resolved, That the Secretary of the Treasury be directed to inform this House if any bonds of the United States have been issued by his order, or if such issuance is intended, to any Indian tribe or other parties under provision of any existing treaty, without the consent or direction of Congress; also the amount of the principal of said bonds, the time they are to run, the amount of interest promised, and by what act of Congress, if any, the same is authorized.

In reply to the resolution I inclose a memorandum, marked A, containing extracts from the various statutes bearing upon the subject; second, an account, marked B, showing the payments made to the Choctaw Indians under the several acts mentioned; third, a letter from the Second Auditor of the Treasury, marked C, detailing the disposition of these several amounts. As necessary to a full understanding of the case, I also transmit a copy of a report and resolution, marked D, accepted and adopted in the Senate of the United States on the 5th of the present month. From this report and resolution it appears that it is the opinion of the Senate that no further legislation is necessary, and that there is full authority under existing laws to issue and deliver to the Choctaw Nation of Indians \$250,000 of United States bonds.

On the 20th of December, 1870, I transmitted to the House of Representatives a copy of the opinion of the Attorney General upon the question of the right of the Choctaw Nation to the bonds in question. In my communication to the House on that occasion, I stated the importance, in my opinion, of such action by Congress as would relieve the

bonds, if issued, from any question affecting their legality or the obligation of the Government to redeem them at maturity.

Very respectfully,

GEO. S. BOUTWELL, *Secretary.*

Hon. JAMES G. BLAINE,

Speaker of the House of Representatives.

A.

MEMORANDUM.

12th Statutes, page 238.

By an act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirty, eighteen hundred and sixty-two:

For payment to the Choctaw Nation or tribe of Indians, on account of their claim under the eleventh and twelfth articles of the treaty with said nation or tribe made the twenty-second of June, eighteen hundred and fifty-five, the sum of five hundred thousand dollars; two hundred and fifty thousand dollars of which sum shall be paid in money, and for the residue the Secretary of the Treasury shall cause to be issued to the proper authorities of the nation or tribe, on their requisition, bonds of the United States authorized by law at the present session of Congress: *Provided*, That in the future adjustment of the claim of the Choctaws under the treaty aforesaid, the said sum shall be charged against the said Indians.

13th Statutes, page 562.

By an act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending thirtieth of June, eighteen hundred and sixty-six, and for other purposes:

SECTION 6. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized and directed, in lieu of the bonds for the sum of two hundred and fifty thousand dollars, appropriated for the use of the Choctaw Indians by an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year ending June thirty, eighteen hundred and sixty-two," approved March second, eighteen hundred and sixty-one, to pay to the Secretary of the Interior two hundred and fifty thousand dollars for the relief and support of individual members of Cherokee, Creek, Choctaw, Chickasaw, Seminole, Wichita, and other affiliated tribes of Indians who have been driven from their homes and reduced to want on account of their friendship to the Government, as contemplated by the provision of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year ending June thirtieth, eighteen hundred and sixty-three," approved July fifth, eighteen hundred and sixty-two.

B.—*Payment to Choctaw Nation for their claim for lands under 11th and 12th articles treaty of June 22, 1855, act March 2, 1861, per act March 2, 1861, and March 3, 1865.*

1861. Mar. 23	No. 4018	To D. H. Cooper.....	\$50,000 00	1861. Apr. 13	By appropriation, warrant No. 16.....	\$250,000 00
Apr. 5	47	To D. H. Cooper.....	84,512 55			
Apr. 12	4069	To Choctaw delegates.....	115,487 45			
			250,000 00			250,000 00
1864. June 30		To balance.....	\$250,000 00	1861. July 1	By appropriation, warrant No. 3.....	\$250,000 00
1865. Mar. 23	7755	To Cronin, Huxtbl & Sears.....	\$39,293 86	1864. July 1	By balance.....	\$250,000 00
Mar. 27	7766	To W. G. Coffin.....	210,706 14			
			250,000 00			250,000 00

C.

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,
Washington, January 13, 1871.

SIR: In reply to your letter of the 11th instant, requesting a statement showing the objects for which the sum of \$500,000, appropriation to the Choctaw Nation for their claim for lands under the 11th and 12th articles of the treaty of June 22, 1865, with said nation, per acts of March 2, 1861, and March 3, 1865, was expended, I have the honor to report that the records of this office show that on the 22d of March, 1861, the sum of \$50,000 was paid to Douglass H. Cooper, Indian agent, by requisition on the Treasury, No. 5091, and on the 5th of April, 1861, the sum of \$84,512 55 was paid him by requisition No. 5108, which sums he accounted for by the receipt of Allen Wright, national treasurer, and Alfred Wade, John Page, and James Riley, Choctaw commissioners, approved by P. P. Pitchlynn, principal chief, for \$134,512 55, dated May 4, 1866. On the 12th of April, 1861, the sum of \$115,487 45 was paid to P. P. Pitchlynn, Israel Folsom, and Peter Folsom, delegates of the Choctaw Nation, by requisition in their favor, No. 5118, which, with the above-named sums, makes the amount appropriated by act of March 2, 1861, viz, \$250,000.

Of the amount appropriated by act of March 3, 1865, \$250,000, the sum of \$210,706 14 was placed in the hands of William G. Coffin, superintendent Indian affairs, by requisition No. 7262, March 14, 1865, which he accounts for as follows:

Paid Perry Fuller, March 27, 1865, for corn, flour, beef, coffee, and similar merchandise.....	\$3, 283 30
Paid McDonald & Fuller, March 2, 1865, for corn, flour, tobacco, beef, prints, blankets, shirts, and other similar supplies.....	207, 181 60
Paid to J. B. Davis for hogs and corn, taken from his farm about November 20, 1863, \$450. Of this amount only \$241 24 is charged to appropriation of March 3, 1865, the balance being charged to Choctaw general fund.	241 24

The sum of \$39,293 86, being the balance of the appropriation, was paid to Cronin, Huxthal & Sears, by requisition in their favor, No. 7260, March 15, 1865, being the amount of their bill for blankets, kerseys, plaids, calicos, woolens, and similar merchandise.

Very respectfully,

E. B. FRENCH,
Auditor.

SECRETARY OF THE TREASURY.

D.

IN THE SENATE OF THE UNITED STATES,
January 5, 1871.

Mr. DAVIS, from the Committee on Indian Affairs, submitted the following report, which was considered and agreed to:

The Committee on Indian Affairs, to which was referred the communication of the Secretary of the Treasury to Congress, transmitting a copy of the opinion of the Attorney General of the United States upon the claim of the Choctaw Nation of Indians, for two hundred and fifty thousand dollars of United States bonds, have had the same under consideration and report: They have examined the opinion of the Attorney General, and concur with him in his reasonings and conclusions. There is a subsisting treaty between the United States and the Choctaw Nation of Indians, which entitles said nation to two hundred and fifty thousand dollars of bonds of the United States of America, and which requires the President to make and deliver that amount of said bonds to said Indian nations. This treaty is the supreme law of the land, and the President is charged with its execution as a ministerial function. He has full authority to execute that law by the making and delivery of those bonds, in compliance with the treaty to the proper authorities of the Choctaw Nation: Wherefore, they report this resolution:

"Resolved, That the President, having full authority under existing law to issue and deliver to the Choctaw Nation of Indians two hundred and fifty thousand dollars of United States bonds, no other legislation by Congress is necessary to that end."

Attest:

GEO. C. GORHAM, Secretary.
By W. J. McDONALD, Chief Clerk.